



STATE OF NEW JERSEY
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
www.bpu.state.nj.us

Customer Assistance

IN THE MATTER OF MAHER MUHEISEN,
T/A MUHEISEN PLASTIC, PETITIONER, v.
PUBLIC SERVICE ELECTRIC & GAS)
COMPANY, RESPONDENT)

ORDER ADOPTING
INITIAL DECISION

BPU Docket No. EC04091046U
OAL Docket No. PUC 7865-05

(SERVICE LIST ATTACHED)

BY THE BOARD

On September 22, 2004, Maher Muheisen T/A Muheisen Plastic (Petitioner) filed a petition with the Board of Public Utilities (Board) contesting certain bills for electric service from Public Service Electric & Gas Company (Respondent). On October 13, 2004, Respondent filed an answer.

On June 30, 2005, the Board transmitted this matter to the Office of Administrative Law (OAL) for determination and initial disposition as a contested case pursuant to N.J.S.A. 52:14B-1 et seq. and N.J.S.A. 52:14F-1 et seq. The matter was assigned to Administrative Law Judge (ALJ) Diana C. Sukovich.


During the pendency of this matter at the OAL, the parties engaged in negotiations and reached a settlement. The settlement was submitted to the ALJ for review. On June 27, 2006, ALJ Sukovich filed an Initial Decision with the Board, memorializing the terms of the settlement and recommending that it be approved. The ALJ found the settlement to be voluntary, consistent with the law and fully dispositive of all issues in controversy. The ALJ therefore concluded that the settlement met the requirements of N.J.A.C. 1:1-19.1.

Under the terms of the settlement, Petitioner agreed to pay \$150,000.00 as full settlement and discharge of Respondent's claims for monies owed for service to its business from March 26, 1999 through February 3, 2004. On June 7, 2006, Petitioner paid \$150,000.00 to Respondent

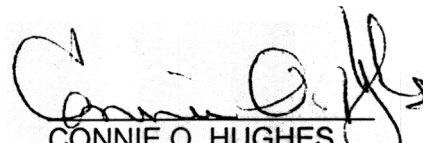
The Board FINDS that the terms of the settlement are fair and reasonable. Therefore, the Board HEREBY ADOPTS the Initial Decision and Stipulation of Settlement in their entirety, incorporating the terms thereof into this final decision as if fully set forth at length herein.

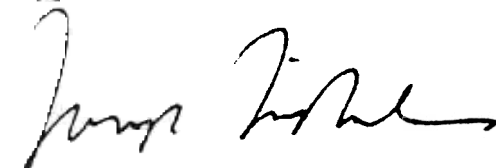
DATED: 7/21/06

BOARD OF PUBLIC UTILITIES
BY:


JEANNE M. FOX
PRESIDENT


FREDERICK F. BUTLER
COMMISSIONER


CONNIE O. HUGHES
COMMISSIONER

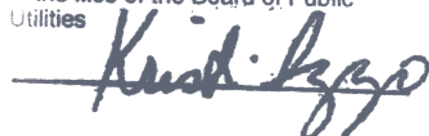

JOSEPH L. FIORDALISO
COMMISSIONER


CHRISTINE V. BATOR
COMMISSIONER

ATTEST:


KRISTI IZZO
SECRETARY

I HEREBY CERTIFY that the within
document is a true copy of the original
in the files of the Board of Public
Utilities



Maher Muheisen T/A Muheisen Plastic v.
Public Service Electric & Gas Company

BPU Docket No. EC04091046U
OAL Dkt. No. PUC 7865-05

SERVICE LIST

Maher Muheisen
15 Florida Avenue
Paterson, NJ 07102

Kenneth A. Wanio, Esq.
1035 Route 46 East, Suite B 105
Clifton, NJ 07013

Public Service Electric & Gas Co.
80 Park Plaza T5G
Newark, NJ 07102

Thomas Thackston, Esq.
Public Service Electric & Gas Co.
80 Park Plaza T5G
Newark, NJ 07102

Kent R. Papsun, Director
Division of Customer Assistance
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102

Arlene E. Pasko, Esq.
Division of Law
124 Halsey St. - 5th Floor
Newark, NJ 07102

J. H. Buehrer & Associates
2295 Big Enough Way
Toms River, NJ 08755

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STARK

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State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

SETTLEMENT

OAL DKT. NO. PUC 7865-05

AGENCY DKT. NO. EC04091046U

REMAND

OAL DKT. NO. PUC 11739-04

AGENCY DKT. NO. EC04091046U

MAHER MUHEISEN T/A MUHEISEN PLASTIC,

Petitioner,

v.

PUBLIC SERVICE ELECTRIC & GAS COMPAY,

Respondent.

Kenneth A. Wanio, Esq., for petitioner

Vaughn L. McKoy, Associate General Counsel, for respondent

Record Closed: June 19, 2006

Decided June 23, 2006

BEFORE DIANA C. SUKOVICH, ALJ.

On or about September 22, 2004, petitioner filed a petition with the Board of Public Utilities (BPU), contesting certain bills for electric service from respondent. The BPU transmitted the matter to the Office of Administrative Law (OAL) on November 29,

26, 1999 to February 3, 2004. Respondent filed an Answer essentially denying Petitioner's allegations

B Without admitting to liability, the parties hereto desire to enter into this Stipulation of Settlement in order to provide for certain payment, in full settlement and discharge of (1) all Petitioner's claims against the Respondent as alleged in Petitioner's Complaint in the above-captioned action, and (2) any other claims by Respondent for monies owed by Petitioner for service to Petitioner's business at 14 Florida Avenue, Paterson, New Jersey from March 26, 1999 to February 3, 2004

AGREEMENT

The parties hereto agree as follows:

1. Payment and Dismissal with Prejudice:

Petitioner shall pay Respondent One Hundred Fifty Thousand Dollars (\$150,000.00) in certified funds or other cash equivalent on or before June 20, 2006. The \$150,000.00 will be hand delivered to the attention of Vaughn L. McKoy, Associate General Counsel, at PSEG Services Corporation, 80 Park Plaza T5A, Newark, New Jersey 07102.

Petitioner agrees that the aforesaid payment does not constitute an admission of liability, but is made solely as a matter of compromise of disputed claims for which liability is expressly denied by Respondents. Petitioner further expressly acknowledges that payment of the aforementioned sum constitutes a full and complete satisfaction of any past of continuing obligation on the part of Respondents

Petitioner agrees, through its counsel or their representatives, to dismiss all legal actions with prejudice as being fully compromised and settled with respect to Respondents in connection with the Petitioner's Complaint as described in Recital A above. Counsel for Petitioner shall deliver to counsel for Respondent an executed Stipulation of Dismissal, dismissing all of Petitioner's claims against Respondent with prejudice. The Stipulation of Dismissal shall be filed with the Court and a copy thereof provided to Petitioner's counsel

2. Warranty of Capacity to Execute Agreement:

Petitioner warrants that it has not been induced to execute this Stipulation of Settlement by any warranty, representation, promise, covenant or agreement made by or on behalf of Respondent or any other party or person, other than those matters specifically set forth herein.

Petitioner further warrants that he is of legal age and is under no legal disability of any kind. Petitioner further warrants that he was and is fully and completely competent to execute and deliver this Stipulation of Settlement, or has fully authorized his counsel to execute this Stipulation of Settlement on his behalf in connection with the litigation described above in Recital A.

3. Entire Agreement and Successors in Interest:

This Stipulation of Settlement contains the entire agreement between Petitioner and Respondent with regard to the matters set forth herein and supersedes any prior written or oral agreements,

understandings or arrangements, and shall be binding upon and inure to the benefit of the executors, administrators, personal representatives heirs, successors and assigns of each

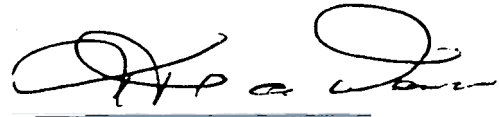
4. Representation of Comprehension of Document:

In entering into this Stipulation of Settlement, Petitioner represents that it is and has been represented by counsel of his choice that Petitioner has relied upon legal advice of such counsel, that the terms of this Stipulation of Settlement have been completely read and explained to Petitioner by said counsel and that those terms are fully understood and voluntarily accepted by Petitioner.

Executed this 14th day of June, 2006


Kenneth A. Wanio, Esq.
Attorney for Maher Muheisen T/A
Muheisen Plastic

By:


Kenneth A. Wanio, Esq.

PSEG Services Corporation
Attorney for Public Service
Electric & Gas

By:


Vaughn L. McKoy, Esq.
Associate General Counsel

PSEG SERVICES CORPORATION
80 Park Plaza, T5A
Newark, New Jersey 07102
Attorneys for Public Service Electric & Gas Company

MAHER MUHEISEN,
T/A Muheisen Plastic,

: STIPULATION OF SETTLEMENT

OAL DOCKET NO. PUC 7865-05

AGENCY DOCKET NO. EC04091046U

2006 JUN 21 11:00

Petitioner

CIVIL ACTION

vs


**STIPULATION OF DISMISSAL
WITH PREJUDICE AS TO
PETITIONER'S COMPLAINT**

PUBIC SERVICE ELECTRIC
& GAS COMPANY,

Respondent

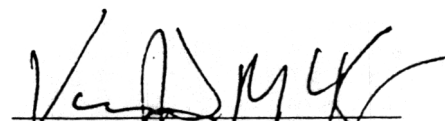
IT IS HEREBY STIPULATED AND AGREED by and between the parties that the within Petitioner's Complaint against Respondent be and the same hereby is dismissed with prejudice and without costs to either party.

By



Kenneth A. Wanio, Esq.
Attorney for Petitioner

By



Vaughn L. McKoy, Esq.
Attorney for Respondent

Dated June 4, 2006

COPY



COPY

State of New Jersey
OFFICE OF ADMINISTRATIVE LAW
33 Washington Street
Newark, New Jersey 07102
(973) 648-6008

5 JUN 27 PM 12:5

NORTH

Date: JUN 26 2006

Re: Initial Decisions for Receipt

Receipt of the following decisions from the Office of Administrative Law (as well as a copy of this form) is acknowledged as of the date indicated below:

OAL Docket No. PUC

Case Name


78165-05

MAHER MUHEISEN
TIA MUHEISEN PLASTIC

Board of Public Utilities
2 Gateway Center
Newark, New Jersey 07102

Date:

6/27/06


Board of Public Utilities

PSEG SERVICES CORPORATION
80 Park Plaza, T5A
Newark, New Jersey 07102
Attorneys for Public Service Electric & Gas Company

MAHER MUHEISEN, : STIPULATION OF SETTLEMENT
T/A Muheisen Plastic, :
: OAL DOCKET NO. PUC 7865-05
: AGENCY DOCKET NO. EC04091046U

Petitioner

vs.

PUBLIC SERVICE ELECTRIC : BOARD OF PUBLIC UTILITIES
& GAS COMPANY,

Respondent.

2006 JUN 21 12:11

THIS STIPULATION OF SETTLEMENT is made and entered into
this day of June 2006 by and between Petitioner, Maher Muheisen,
T/A Muheisen Plastic (hereinafter referred to as "Petitioner"), and
Respondent Public Service Electric and Gas Company (hereinafter
referred to as "Respondent").

RECITAL

A. Petitioner filed a Compliant against the Respondent with the Board
of Public Utilities, alleging that Respondent miscalculated the amount of
money Petitioner owed Respondent for electric service to Petitioner's
business located at 14 Florida Avenue, Paterson, New Jersey from March

2004, for determination as a contested case pursuant to N.J.S.A. 52:14F-1 to -13, and it was docketed as PUC 11739-04. Settlement conferences were scheduled, before an Administrative Law Judge (ALJ), during 2005, and the matter was ultimately processed as a Failure to Appear, in approximately May 2005.

Subsequent to communications on behalf of petitioner, the BPU transmitted the matter, on remand, to the OAL, on July 18, 2005, for determination as a contested case. A prehearing conference was conducted, before an ALJ, on November 10, 2005, and the matter was thereafter assigned to this judge, on December 20, 2005. A hearing scheduled on June 21, 2006 was adjourned at the requests of the parties because the matter was resolved. An executed Stipulation of Settlement and an executed Stipulation of Dismissal With Prejudice were filed on June 19, 2006, on which date the record was closed. Attached herewith are copies of the Stipulations.

Having reviewed the record and the settlement terms, **FIND** that the parties have voluntarily agreed to the settlement as evidenced by their signatures, or the signatures of their representatives, on the Stipulations, and the settlement fully disposes of all issues in controversy and is consistent with the law.

Therefore, I **CONCLUDE** that the agreement meets the requirements of N.J.A.C. 17:27-19.1 and that the settlement should be approved. Accordingly, it is **ORDERED** that the parties comply with the terms of the settlement and that the proceedings in this matter be concluded.

hereby **FILE** my initial decision with the **BOARD OF PUBLIC UTILITIES** for consideration.

This recommended decision may be adopted, modified or rejected by the BOARD OF PUBLIC UTILITIES, which by law is authorized to make a final decision in this matter. If the Board of Public Utilities does not adopt, modify or reject this decision within forty-five (45) days, and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

DATE June 23, 2006

Diana C. Sukovich
DIANA C. SUKOVICH, ALJ

Receipt Acknowledged:

DATE 6/27/06

Regina Carlson
BOARD OF PUBLIC UTILITIES

Mailed to Parties:

DATE _____
lr

OFFICE OF ADMINISTRATIVE LAW